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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,773	07/06/2000	Isao Yamada	SONY-T0866	5664
29175	7590	12/18/2006		
BELL, BOYD & LLOYD, LLC			EXAMINER	
P. O. BOX 1135			TRAN, HAI V	
CHICAGO, IL 60690-1135				
			ART UNIT	PAPER NUMBER
			2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/610,773

Applicant(s)

YAMADA, ISAO

Examiner

Hai Tran

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references (Applicant's remark page 2), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Alexander fails to explicitly disclose the claimed limitation of "wherein said display device is associated with a cost calculator, said cost calculator being configured to calculate a cost of a service provided and said cost calculator being further configured to reduce said cost if first information that supplements at least one television broadcast program displayed on said display device is displayed".

Blahut teaches a display device "...associated with a cost calculator, said cost calculator being configured to calculate a cost of a service provided and said cost calculator being further configured to reduce said cost if first information that supplements at least one television broadcast program displayed on said display device is displayed" so as to offer the viewer the choice as to whether or not advertisements will be displayed, with the viewer option of how many advertisements to watch. The teaching of Blahut provides offer greater viewer flexibility while maintain revenues generated by the service provide (See: Figure 5; Col 2, Lines 3-30; Col 5, Line 35 - Col 6, Line 3). It is submitted that it would have been clearly obvious to one of ordinary skill in the art to combine the teaching of Blahut of having a cost calculator being configured to calculate a accurate cost of a service provided, i.e., provide TV program in association with the number of advertisements presented to user, as taught by Blahut, so to provide to viewer an option to pay service requested according to user budget based on the number of advertisements that user would like to receive.

Applicant further argues (Applicant's remark, page 3), "As further supported by the specification, for example, on page 17 and embodied by the claimed invention, '[t]he system may also be designed to reduce the subscription fee of the CS digital broadcast of CS station 2 in response to the viewer's selection of a symbolic label of a supplemental program for the advertisement.'"

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., '[t]he system may also be designed to reduce the subscription fee of the CS digital broadcast of CS station 2 in response to the viewer's selection of a symbolic label of a supplemental program for the advertisement.') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues, "Blahut is not directed towards allowing the user to see symbolic labels indicative of a given advertisement and allowing the user to select the advertisement."

In response, Applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instant, Alexander clearly discloses that users able to select advertisement based on the displayed symbolic label of a supplemental program for the advertisement that is displayed on the TV (see Col. 34, lines 10-16).

Claims 5 and 16, Applicant argues, "Remillard does not disclose adapting information specifically for print out, as embodied by the claim invention and as further supported in the specification for example, see the specification figure 4 where the display asks, 'do you need print out of catalog?'. A hardcopy of a screenshot is not the same as a catalog of information."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., adapting information specifically for print out, as embodied by the claim invention and as further supported in the specification for example, see the specification figure 4 where the display asks, 'do you need print out of catalog?') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, claims 5 and 16 do not claim "data adapted for printout" is a printout of catalog, as argued by applicant! In view of that, the Examiner maintains the rejection..


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